



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,971	07/30/2003	Glenn Morris	500699.000009	9526

37141 7590 08/11/2005

FORTKORT GRETHER + KELTON LLP
8911 N. CAPITAL OF TEXAS HWY.
SUITE 3200
AUSTIN, TX 78759

EXAMINER

YAM, STEPHEN K

ART UNIT	PAPER NUMBER
----------	--------------

2878

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,971

Applicant(s)

MORRIS, GLENN

Examiner

Stephen Yam

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to because of the following informalities:

In Claim 12, a period should be placed at the end of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Zak US Patent No. 6,690,003.

Regarding Claims 1 and 10, Zak teaches (see Fig. 1, 3) a laser light actuation system and method for remotely and selectively actuating a function of a known apparatus (50) (see Col. 3, lines 47-51), the system and method comprising a laser module (10) adapted to produce a known laser light signal suitable for transmission over a long distance (see Col. 2, lines 56-62), and a receiver module (20) adapted to receive and detect the known laser light signal and selectively produce an actuation signal in response to the known laser light signal to selectively actuate such an apparatus (see Col. 3, lines 12-15), the receiver module further comprising a timer (30)

Art Unit: 2878

operatively associated with the receiver module to selectively limit the time of actuation of such an apparatus in response to the laser light signal (see Col. 3, lines 17-21).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zak in view of Applicant's admitted prior art.

Regarding Claims 2 and 11, Zak teaches the system and method in Claims 1 and 10, according to the appropriate paragraph above. Zak also teaches the system for use in an industrial environment (see Col. 4, lines 29-31). Zak does not teach an electromechanical feeder operatively associated with the receiver module and adapted to be selectively actuated to release feed in response to detection of the known laser light signal by the receiver module. Applicant's admitted prior art teaches (see Fig. 1) a system with an electromechanical feeder (19) operatively associated with a receiver module (16) and adapted to be selectively actuated to release feed in response to detection of a known signal by the receiver module (see Paragraph 0002, 0005). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an electromechanical feeder operatively associated with the receiver module and adapted to be selectively actuated to release feed in response to detection of the known signal by the

Art Unit: 2878

receiver module, as taught by Applicant's admitted prior art, in the system of Zak, to provide remote control of devices in an agricultural environment.

6. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zak in view of Teremy et al. US Patent No. 5,541,695.

Regarding Claims 3 and 12, Zak teaches the system and method in Claims 1 and 10, according to the appropriate paragraph above. Zak does not teach the laser module is adapted to produce a known, sparsely modulated laser light signal. Teremy et al. teach (see Fig. 1 and 3-5) a similar system and method, with a laser module (10) producing a known, sparsely modulated laser light signal (see Fig. 4 and 5 and Col. 3, lines 55-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the laser module adapted to produce a known, sparsely modulated laser light signal, as taught by Teremy et al., in the system and method of Zak, to provide multiple control signal types for each device to provide additional control of functionality, as taught by Teremy et al. (see Col. 2, line 64 to Col. 3, line 7, Col. 3, line 55 to Col. 4, line 12).

7. Claims 4-6 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zak (in view of Teremy et al. for Claims 3 and 12 or in view of Applicant's admitted prior art for Claims 5 and 14) in view of Schwartz US Patent No. 5,079,646.

Regarding Claims 4-6 and 13-15, Zak (in view of Teremy et al. for Claims 3 and 12 or in view of Applicant's admitted prior art for Claims 5 and 14) teaches the system and method in Claims 1, 2, 10, and 11, according to the appropriate paragraph above. Zak does not teach a

Art Unit: 2878

telescopic sight operatively associated with the laser module to accommodate selective directing of the known laser light signal through use of the telescopic sight. Schwartz teaches a telescopic sight operatively associated with a laser module to accommodate selective directing of the laser light signal through use of the telescopic sight (see Col. 1, lines 39-46 and Col. 1, line 66 to Col. 2, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a telescopic sight operatively associated with the laser module to accommodate selective directing of the known laser light signal through use of the telescopic sight, as taught by Schwartz, in the system and method of Zak (in view of Teremy et al. for Claims 3 and 12 or in view of Applicant's admitted prior art for Claims 5 and 14), to increase the accuracy and range for operating the laser module by an operator.

8. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zak in view of Teetzel US Patent No. 5,526,749.

Regarding Claims 7 and 16, Zak teaches the system and method in Claims 1 and 10, according to the appropriate paragraph above. Zak does not teach a detonator operatively associated with the receiver module and adapted to be selectively actuated to detonate in response to detection of the known laser light signal by the receiver module. Teetzel teaches an explosive device with a detonator (see Col. 4, lines 54-56) operatively associated with a receiver module (114) and adapted to be selectively actuated to detonate in response to detection of a known laser light signal by the receiver module (see Abstract and Col. 4, lines 31-37, 54-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a detonator operatively associated with the receiver module and adapted to be selectively

Art Unit: 2878

actuated to detonate in response to detection of the known laser light signal by the receiver module, as taught by Teetzel in the system and method of Zak, to provide remote actuation of an explosive device for accurate detonation.

9. Claims 8, 9, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaje US Pre-grant Publication No. 2003/0122665 (hereinafter Kaje '665).

Regarding Claims 8 and 17, Kaje '665 teaches (see Fig.) a laser light actuation system and method for remotely and selectively actuating a function of a known electromechanical gate (see Claim 1, line 2 of Kaje), the system and method comprising a laser module (1) adapted to produce a known laser light signal (2) suitable for transmission over a long distance (see Fig.), a laser receiver module (3) adapted to receive and detect (see Paragraph 0017) the known laser light signal selectively produce an actuation signal (to the gate/door/barrier) (see Abstract, lines 4-7) in response to the known laser light signal to selectively actuate such an electromechanical gate operatively associated with the laser receiver module and adapted to be selectively actuated in response to the detection of the known laser light signal by the laser receiver module (see Paragraph 0017 and Claim 1, lines 1-5 of Kaje), and wherein the laser receiver module is adapted to be positioned in use in a location known to a user (see Fig.). Kaje does not teach the laser receiver module in a *selectively concealed* location known to a user. It is well known in the art to conceal a security device in a location only known to individuals who are permitted entry, to prevent tampering of the device and the knowledge of the existence of the device in defeating the security device. It would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2878

invention was made to locate the laser receiver module in a *selectively concealed* location known to a user, in the system and method of Kaje, to increase the security of the secured areas by preventing unauthorized individuals from having knowledge of the security device and tampering with it.

Regarding Claims 9 and 18, Kaje '665 teaches the system and method in Claims 8 and 17, according to the appropriate paragraph above. Kaje does not teach a radio module adapted to produce a known radio signal and a radio receiver module adapted to receive and detect the known radio signal and selectively produce an actuation signal in response to the known radio signal to selectively actuate a barrier device operatively associated with the radio receiver module and adapted to be selectively actuated in response to the detection of the known radio signal by the radio receiver module in order to enable the laser receiver module to receive the known laser light signal. It is well known in the art to utilize multiple barrier gates and provide separate modes of identification for entry for each barrier gate in high-security areas, to prevent unauthorized entry, and it is well known in the art to utilize radio modules and receivers to actuate barrier devices (such as in garage door or entry gate openers). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a radio module adapted to produce a known radio signal and a radio receiver module adapted to receive and detect the known radio signal and selectively produce an actuation signal in response to the known radio signal to selectively actuate a barrier device operatively associated with the radio receiver module and adapted to be selectively actuated in response to the detection of the known radio signal by the radio receiver module in order to enable the laser receiver module to receive the known laser light signal, to provide higher levels of authorization protection for high-security

Art Unit: 2878

areas and reduce the risk of unauthorized intrusion, with each successive entry point enabled only upon successful passage from the previous entry point.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Majed EP 0836150 teaches a remote actuation device using a laser module and a receiver module.

Kaje US Patent No. 6,897,765, teaches a remote actuation device using a laser module and a receiver module.

Conway US Patent No. 5,719,622, teaches a remote actuation device using a laser module and a receiver module to control a device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Yam whose telephone number is (571)272-2449. The examiner can normally be reached on Monday-Friday 8:30am-5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (571)272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2878

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SY

SY


THANH X. LUU
PATENT EXAMINER